

RESPONSE AND REMARKS

In the Notice of Non-Compliant Amendment dated October 2, 2004, the Legal Instruments Examiner objected to an amendment to the specification, stating that the amendment to the specification was non-compliant with 37 C.F.R. 1.121. The reason for non-compliance was cited by the Legal Instruments Examiner as "New paragraph(s) should not be underlined."

It is respectfully submitted that the Amendment and Response dated and filed on August 31, 2004, complies with 37 C.F.R. § 1.121.

The amendment to the Specification originally submitted, is re-submitted above. The Legal Instruments Examiner construed the amendment as adding a new paragraph. However, that is not the case. Rather, the amendment expressly requested that an existing paragraph (paragraph 0098) be replaced with the amended paragraph 0098. In compliance with 37 C.F.R. § 1.121 (b)(1)(i), the amendment included an instruction which identified the paragraph number and instructed that the paragraph, namely paragraph 0098, be replaced with the amended paragraph. Further, in compliance with 37 C.F.R. § 1.121 (b)(1)(ii), the amended paragraph 0098 provided the full text of the replacement paragraph with markings to show changes relative to the previous version of the paragraph -- the original text was not underlined.

It is respectfully submitted that the Amendment and Response dated and filed on August 31, 2004, complies with 37 C.F.R. § 1.121. It is respectfully requested that the Amendment and Response be approved and forwarded for examination on the merits.

Respectfully submitted,
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